



West Virginia Senate

Committee on Judiciary

Minutes for JANUARY 27, 2020, 10:00 AM

Pursuant to the call of the Chair, the Senate Committee on Judiciary met on January 27, 2020, 10:00 AM in Room 208-W.

Members present: Senators Trump, Weld, Azinger, Clements, Cline, Maynard, Pitsenbarger, Rucker, Smith, Takubo, Baldwin, Beach, Hardesty, Jeffries, Lindsay, Romano, Woelfel

Members absent: None

A silent roll call being taken, the presence of a quorum was established.

On motion of Senator Weld, the minutes of the previous meeting were approved.

S. B. 275 - Creating Intermediate Court of Appeals.

Sarah Canterbury, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

On motion of Senator Weld, the committee recessed.

The committee reconvened.

Chairman Trump moved **Originating Bill #1** next on the agenda.

Originating Bill #1 – Relating to correcting an incorrect code citation.

Grace Byers, Analyst, explained the bill and responded to questions.

On motion of Senator Weld, the committee agreed to the originating bill.

On motion of Senator Weld, the committee reported the originating bill to the full Senate with the recommendation that it do pass.

Chairman Trump move **S. B. 275** next on the agenda.

On motion of Senator Pitsenbarger, the committee amended the committee substitute to require that judges to the Intermediate Court of Appeals be elected to staggered terms beginning

in 2022, with judges being appointed in 2021 to fill vacancies until such time as judges may be elected in the primary elections of 2022. Initial elections would be for a 4, 6, and 10-year term in each district and thereafter for 10-year terms, with each new term beginning on the expiration of a sitting judge's term.

On motion of Senator Clements, the committee amended the committee substitute to require that the judges appointed by the Governor to serve a one-year term beginning in 2021, until judges are elected in the primaries of 2022, must be selected from a list provided to the Governor by the Judicial Vacancy Advisory Commission.

Senator Romano moved to amend the committee substitute to incorporate a 10-year sunset provision. The amendment put and rejected.

With leave of the committee, Danielle Waltz, United States Chamber of Commerce Institute for Labor, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Senator Woelfel moved to lay the bill on the table.

The motion was put, and Senator Woelfel demanded a division of the body.

The vote being 7 in favor and 10 opposed, the motion was rejected.

With leave of the committee, Senator Romano requested a representative from the West Virginia Chamber of Commerce address the committee. No one present responded to the request.

On motion of Senator Weld, the committee agreed to the committee substitute as amended.

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass, but first be referred to committee on Finance.

S. B. 449 - Dept of Commerce rule relating to small business innovation research and small business technology transfer matching funds program.

Debra Graham, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Gary M. Foster, Assistant Wildlife Resources Section Chief, West Virginia Division of Natural Resources, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Weld, the committee agreed to the committee substitute.

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

Chairman Trump moved **S. B. 597** next on the agenda.

S. B. 597 - Relating to judicial branch members' salaries and pensions.

Tom Smith, Chief Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

On motion of Senator Weld, the committee agreed to the committee substitute.

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

On Motion of Senator Weld the committee adjourned.



Charles S. Trump IV
Chairman



Beverly Douglas
Analyst/Clerk



The Senate of West Virginia

Testimony taken this 27th day of January, 2020, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Gary M. Tuck

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



The Senate of West Virginia

Testimony taken this 27th day of January, 2020, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

P. Woltz

Print Witness Name

D. Woltz

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name